

**SIXTH LEGISLATIVE ASSEMBLY OF MIZORAM
(TENTH SESSION)**

BULLETIN PART-II

(General information relating to Legislative and other matters)

No. 198

Tuesday, 27th March, 2012.

The following is the Official Resolution submitted by Pu Lal Thanhawla, Chief Minister and admitted for consideration on 28.3.2012.

“WHEREAS to eliminate the denominating practice of employment of manual scavengers and for protecting and improving the human environment, to make it obligatory to convert dry latrine into water-seal latrines or to construct water-seal latrines in new constructions, the Central Government has got enacted the **Employment of Manual Scavengers and Construction of dry Latrine (Prohibition) Act, 1993**, in the circumstances mentioned in the preamble to the said Act;

AND WHEREAS under clause (1) of Article 252 of the Constitution, resolutions had been passed by all the Houses of the Legislatures of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal that the matters aforesaid should be regulated in those States by the Parliament by law, and accordingly, the said Central Act stood automatically applied to those States only at the first instance;

AND WHEREAS sub-sections (2) and (3) of Section 1 of the said Act provide as follows:

“(2) It applies in the first instance to the whole of the State of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force in the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and in the Union territories on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption”;

AND WHEREAS a writ-Petition with no.W.P(C) 583 of 2003 was filed in the Hon'ble Supreme Court of India by Safai Karmachari Andolan and others against Union of India and all States & Union Territories, praying, inter alia, for directing the Respondent State-Governments which did not adopt the said Act, "to explain on affidavit the steps taken by their respective Legislatures to pass appropriate resolution under Article 252 of the Constitution for adopting the Act";

AND WHEREAS by their order dt.11/12/2007 in the said Writ-Petition, the Hon'ble Supreme Court observed and directed as follows:

"It has been brought to the notice that the State of Jammu and Kashmir, Nagaland, Himachal Pradesh, Manipur, Meghalaya, Sikkim, Mizoram, Arunachal Pradesh, Delhi and U.T. of Chandigarh have not adopted the employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The concerned States and U.T. shall file affidavit explaining the reasons for non-adoption of the Act in their respective States";

AND WHEREAS in the above-premises and for the purpose of adoption of the said Act, it becomes absolutely necessary to move a Resolution in this august Assembly under clause (1) of article 252 read with article 371-G of the Constitution;

Now, therefore, the Sixth Mizoram Legislative Assembly in its Tenth Session do resolve as follows :-

"That the Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act, 1993 stands applied in the whole State of Mizoram".

NGURTHANZUALA
Secretary